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#122

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional) ..

P-0800(O)-2

In re Application of: Rudolf E. Falk and Samuel S. Asculai

Application No. 08/462,148

Filed: June 5, 1995

For: TREATMENT OF CONDITIONS AND DISEASE

The owner\*, Hyal Pharmaceutical Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer of prior Patent Application Serial No. 07/838,675, now United States Patent No. 5,639,738 and Patent Application Serial No. 08/018,508, filed on February 17, 1993. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This disclaimer is being submitted to bring the prosecution of this application to an early conclusion and the submission of this disclaimer should not be taken as an accession by Applicants that a disclaimer is or should be required in order to obtain allowance of this application and its issuance as United States Letters Patent.

Check either box 1 or 2 below, if appropriate.

04/24/1998 SLUING 00000058 08462148  
1. [ ] For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. [ X ] The undersigned is an attorney of record.



Apr. 20/98  
Signature Date

Marcelo K. Sarkis  
Registration No. 37,015

Typed or printed name

[ X ] Terminal disclaimer fee under 37 CFR 1.20(d) included.

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB96 may be used for making this certification. See MPEP§324.